IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

J U D G M E N T

Amreet Singh VS. STATE OF RAJASTHAN.

S.B.CRIMINAL JAIL APPEAL NO.711/2005
Section 374(2) Cr.P.C. against the Judgment dated 29.8.2005 in Sessions case No.13/2000 passed by Sh. R.K.Jain , RHJS, Special Judge N.D.PS.Cases, Bikaner.

DATE OF JUDGMENT : May 10th , 2007.

P R E S E N T

HON'BLE MR.JUSTICE CHATRA RAM JAT

Mr.Rajesh Bhati, Amicus Curaie, for the appellant.
Mr.JPS Choudhary,Public .Prosecutor

BY THE COURT:

1. This appeal is directed against the judgment and order dated 29.8.2005 passed by the Special Judge N.D.P.S.cases,Bikaner, whereby the learned Judge by the judgment convicted the accused appellant under Section 8/15 NDPS Act,1985,and sentenced for three years rigorous imprisonment and fine of Rs.10,000/-.In default of payment of fine to further under going six months rigorous imprisonment.

2. The brief facts of this appeal which are necessary to dispose of this appeal, in nut shell, are that on 11.7.2000 Bala Ram ASI & In-charge of P.S.Bajju along with other police personnels at about 6 P.M. seen one bus No.RJ-07-P -831coming from Bhikampur which was stopped and checked the same. At that time one man and woman boarded from back gate and run away and caught them at some distance and on interrogation they discloses as Amreet Singh and woman was Sopara Devi and further stated that they are carrying in their bags 'doda-posth'. Thereafter search was made and in bag of Amreet Singh there was 8 plastic pages containing 2-2 kg weight of 'Dota posth' powder weighing 16 kg in all. Two packets of 250 Grams were taken and sent for chemical examination. He was carrying these doda posth without permit and licence,therefore, F.I.R. No.112 dated 11.7.2000 P.S.Bajju district Bikaner, for offence under Section 8/15 NDPS Act 1985 was registered.

3. After necessary investigation and memos ,challan was filed before the Special Judge, NDPS Act cases, Court, Bikaner, who framed charge under Section 8/15 of the NDPS Act,1985. Charges were read-over and explained to accuse who denied the same and claimed for trial.

4. Prosecution produced P.W. 1 to P.W.10 and statement of CW 01 Rajaram was recored in court.

5. In statement under Section 313 Cr.P.C accused stated that he is innocent and has been falsely implicated in this case. No witness in defence was however examined. On hearing final submissions learned trial Judge convicted and sentenced the appellant as indicated herein above so this appeal.

6. Learned counsel for the appellant states that appellant has been convicted for the offence under Section 8/15 NDPS Act and punished for three years RI along with fine of Rs.10,000/- and in default six months RI but he is not contesting the appeal on merit so the conviction may be confirmed. Learned counsel for the appellant further states that appellant remain in custody from 12.07.2000 to 28.02.2002 and then from 07.03.2005 till today and thus in all he has remained in custody for a period of more than three years and seven months so the appeal may be disposed of immediately.

7. Although learned counsel is not pressing the appeal on merit, and after going through the evidence

produced by the prosecution it is clear that Bala Ram P.W.1; Vidhyadhar P.W.4; Rupa Ram P.W. 5; Anita P.W.6 and Rekha P.W.9 clearly established that 16 Kg poppy husk recovered from the conscious possession of the appellant and though the independent witnesses P.W.2 Rajesh declared hostile who has not supported the prosecution but other independent witness P.W. 3 Bhura Ram supported the prosecution thus looking to the evidence produced by the prosecution and not challenging the conviction by learned counsel for the the conviction and sentence deserves to be upheld.

8. Having analysed the evidence of prosecution from the point of view of trustworthiness , I find the evidence reliable and trustworthy and I am of the considered opinion that the charges 8/15 NDPS Act,1985, are established against the appellant beyond reasonable doubt. I do not see any infirmity in the impugned judgment of the learned trial Court.

9. For the reasons mentioned here-in-above, I find no merit in the instant appeal and the same stands dismissed.

(**CHATRA RAM JAT)J.**

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